

: OFFICIAL PROCEEDINGS :**: OF THE CITY OF PEORIA, ILLINOIS :**

Council Chambers, Peoria, Illinois, March 22, 2011, a Joint City Council and Town Board Meeting was held this date at 6:17 P.M., at City Hall, Council Chambers, 419 Fulton Street, with Mayor Jim Ardis presiding, and with proper notice having been posted.

ROLL CALL

Roll Call showed the following Council Members were physically present: Gulley(arrived at 6:20 P.M.), Irving, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10. Absent: Jacob - 1.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ardis requested a moment of silent prayer or silent reflection, and then he led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: ARTS and EDUCATION SPRING CELEBRATION

PROCLAMATION: SUE WOZNIAK - OSF ST. FRANCIS MEDICAL CENTER

COMMEMORATION: LES KENYON

MINUTES

Council Member Spain moved to approve the minutes of the City Council Meeting held on March 8, 2011, as amended to include a correction on Page 29574, under the Minutes Section, to reflect that Item No. 11-083 should be 11-081; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

(11-113) PUBLIC HEARING Related to the ADOPTION of the COMPREHENSIVE PLAN with a Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to RE-SET the DATE for a PUBLIC HEARING Relating to the COMPREHENSIVE PLAN for TUESDAY, APRIL 12, 2011, at 6:15 P.M. at City Hall, Room 400, 419 Fulton Street, Peoria, Illinois.

Council Member Spain moved to re-set the date for a Public Hearing relating to the Comprehensive Plan for Tuesday, April 12, 2011, at 6:00 P.M. at City Hall, Room 400, 419 Fulton Street, Peoria, Illinois; seconded by Council Member Montelongo.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: None.

CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE, for the City of Peoria, with Recommendations as Outlined:

- (11-114) Communication from the Interim City Manager and Director of Inspections with Request to Accept the LOW BID for a TWO-YEAR RESIDENTIAL DEMOLITION CONTRACT on a UNIT-BASED PRICE from ACCURATE SITE, in the Amount of \$6,825.00 for the First Year and \$7,169.00 for the Second Year, with Backup Contractor Provisions for Sequential Low Bidders, as Outlined.**
- (11-115) Communication from the Interim City Manager and Director of Public Works Requesting Approval of VENDORS for STREET MAINTENANCE MATERIALS as Outlined.**
- (11-116) Communication from the Interim City Manager and Police Chief Requesting Approval for the ANNUAL PURCHASE of RELOAD AMMUNITION for POLICE TRAINING USE from the LOWEST BIDDER, ULTRAMAX AMMUNITION, in the Amount of \$13,860.00.**
- (11-117) Communication from the Interim City Manager and Police Chief Requesting Approval for the ANNUAL PURCHASE of FACTORY AMMUNITION for POLICE DUTY USE from the LOWEST BIDDER, KIESLERS POLICE SUPPLY, in the Amount of \$17,810.00, for all Ammunition except FORTY-FIVE CALIBER, and GIL HEBBARD GUNS, in the Amount of \$3,085.00, for Forty-Five Caliber Ammunition.**
- (11-118) Communication from the Interim City Manager, Police Chief, and ECC Manager Requesting Approval of a SOLE SOURCE PURCHASE of HARRIS P7350 PORTABLE RADIOS for the City of Peoria and Peoria County, in the Total Amount of \$337,640.00, from RAGAN COMMUNICATIONS, with Reimbursement Coming to the City of Peoria from the State of Illinois in the Amount of \$265,212.80, and Coming from Peoria County in the Amount of \$36,213.60.**
- (11-119) Communication from the Interim City Manager, Director of Public Works, and Police Chief Requesting Approval of the SOLE SOURCE CONTRACT for the CITY SECURITY SYSTEMS MAINTENANCE with MIDCO, INC., for the Three-Year Period of April 1, 2011, through February 28, 2014, in the Amount of \$121,515.00 (\$40,505.00 per year).**
- (11-120) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Authorization for the City Manager to Execute a CONTRACT with TILLMAN ELECTRICAL SERVICES, INC. and LUMINTEK, in an Amount Not to Exceed \$25,000.00 in Corporate Funds, for the ALLEY LIGHTING PROGRAM.**
- (11-121) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a SEWER IMPROVEMENT AGREEMENT with the GREATER PEORIA SANITARY DISTRICT for the REPAIR OF SEWERS, as a Part of the City of Peoria's Sewer Rehabilitation (Design Area 1 Sewers, Manhole Rehabilitation Project 7), and Concur in the Award of the Contract for the work to J. C. DILLON, INC., in the Amount of \$261,644.00.**

- (11-122) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the Following Pertaining to the IMPROVEMENT of the GLEN AVENUE and UNIVERSITY STREET INTERSECTION IMPROVEMENT PROJECT:
1. MFT RESOLUTION NO. 11-122, in the Amount of \$1,050,000.00, for ENGINEERING and CONSTRUCTION COSTS;
 2. PROFESSIONAL SERVICES AGREEMENT with TERRA ENGINEERING, LTD, in an Amount Not to Exceed \$67,034.00 for PRELIMINARY ENGINEERING SERVICES; and
 3. REPROGRAMMING \$1,050,000.00 in STATE MOTOR FUEL TAX FUNDS as Outlined. (Refer to item No. 10-499)
- (11-123)
* Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt an ORDINANCE Amending Ordinance No. 14,084, as Amended, in a Class R1 (Single Family Residential) District for a SPECIAL USE for a CHURCH to Add a COMMUNITY ACTIVITY CENTER and COMMUNITY GARDEN, Including Existing Conditions, for Property Located at 411 W. LAKE AVENUE, with Conditions.
- (11-124) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,673 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2011 Relating to POLICE SUSTAINED TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT for the FY2011 Portion of \$17,317.00.
- (11-125) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE at 619 S.W. WATER from the PEORIA POLICE BENEVOLENT NO. 27 on SATURDAY, MAY 14, 2011.
- (11-126)
** Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION to Add a SUBCLASS 1A (2:00 A.M. Closing) to a CLASS E (Private Club) LIQUOR LICENSE at 1111 S. WESTERN, with Recommendation from the Liquor Commission to Approve.
- (11-127) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a CLASS B (Restaurant, Full Service Bar) LIQUOR LICENSE at 7815 N. KNOXVILLE, SUITE 12, with Recommendation from the Liquor Commission to Approve.
- (11-128) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a CLASS B (Restaurant, Full Service Bar) LIQUOR LICENSE with a SUBCLASS 3A (Sidewalk Cafe) at 5201 W. WAR MEMORIAL DRIVE, SUITE 502, with Recommendation from the Liquor Commission to Approve.
- (11-129) Communication from the Interim City Manager and Director of Planning and Growth Management Regarding a SUMMARY of the 2010 HUD CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER), with Request to Receive and File.

- (11-130) **Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Receive and File the 2010 ZONING COMMISSION ANNUAL REPORT.**
- (11-131) **ANNUAL REPORT of the CITY TREASURER, PATRICK A. NICHTING, for the YEAR 2010, with Request to Receive and File.**

Mayor Ardis questioned if the Council wished to have any of the Consent Agenda items removed for further discussion.

Council Member Montelongo requested Item No. 11-126 be removed from the Consent Agenda for further discussion.

Council Member Van Auken requested Item No. 11-123 be removed from the Consent Agenda for further discussion.

Council Member Van Auken moved to approve the Consent Agenda items as outlined in the Council Communications; seconded by Council Member Turner.

Items No. 11-114 through 11-131 (excluding Item Nos. 11-123 and 11-126, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Gulley, Irving, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: None.

- (11-123) **Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt an ORDINANCE Amending Ordinance No. 14,084, as Amended, in a Class R1 (Single Family Residential) District for a SPECIAL USE for a CHURCH to Add a COMMUNITY ACTIVITY CENTER and COMMUNITY GARDEN, Including Existing Conditions, for Property Located at 411 W. LAKE AVENUE, with Conditions.**
- *

Director of Planning and Growth Management Pat Landes distributed a replacement Ordinance providing for sequential lettering of the exhibits.

Council Member Van Auken moved to adopt the Ordinance, as amended providing for sequential lettering of the exhibits, amending Ordinance No. 14,084, as amended, in a Class R1 (Single Family Residential) District for a Special Use for a Church to add a Community Activity Center and Community Garden, including existing conditions, for property located at 411 W. Lake Avenue, with conditions; seconded by Council Member Turner.

ORDINANCE NO. 16,674, as amended, was adopted by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: None.

- (11-126) **Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION to Add a SUBCLASS 1A (2:00 A.M. Closing) to a CLASS E (Private Club) LIQUOR LICENSE at 1111 S. WESTERN, with Recommendation from the Liquor Commission to Approve.**
- **

Following a question from Council Member Montelongo, Police Chief Settingsgaard said the Police Department recommended that the request for a Subclass 1A (2:00 A.M. Closing) at 1111 S. Western be denied. He said it was felt the change would set the establishment apart from other liquor establishments in the area, which had earlier closing times.

Council Member Montelongo moved to DENY the Site Application to add a Subclass 1A (2:00 A.M. Closing) to a Class E (Private Club) Liquor License at 1111 S. Western; seconded by Council Member Spain.

Motion to DENY was approved by roll call vote.

Yeas: Gulley, Montelongo, Sandberg, Spain, Spears, Turner, Van Auken - 7;

Nays: Irving, Riggerbach, Mayor Ardis - 3.

(11-132) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission to ADOPT an ORDINANCE, with a REVISED SITE PLAN, Amending Ordinance No. 13,920, an EXISTING SPECIAL USE as Amended, in a CLASS R3 (Single Family Residential) District for an ELDERLY HOUSING FACILITY for Property Located at 3616 N. SHERIDAN ROAD, with Conditions, and with a Recommendation from Staff to DENY.

It was noted that the City Council received copies of letters of concern from various citizens, which was included in their Council packets. The developer, 3 Diamond Development, distributed a copy of their PowerPoint Presentation to all members of the City Council.

Mayor Ardis stated the City Council had heard from many citizens voicing their concerns regarding the proposed development, many of whom were present at the Council Meeting. He said the developer would provide a PowerPoint presentation and then Council discussion would be held.

Council Member Van Auken moved to grant Privilege of the Floor to Attorney Brian Mooty and David Porush of 3 Diamond Development.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Attorney Brian Mooty and David Porush of 3 Diamond Development.

Brian Mooty, Attorney for 3 Diamond Development, said he and Mr. Porush would answer questions following a PowerPoint presentation.

David Porush, representing 3 Diamond Development, gave a PowerPoint presentation and he explained their mission was to develop affordable housing that was economically sound, respectful of residents and the community at large, and empowering for low-income families. He explained Peoria's need for affordable senior housing and why the location of 3616 N. Sheridan was chosen as the proposed site. He provided an overview of who would be eligible to live in the proposed development and the developer's long-term maintenance plan. He outlined the financial impact, traffic flow, density issues, and provided drawings of the Site Plan and the Landscaping Plan.

Council Member Van Auken said the neighborhoods surrounding the proposed site for an Elderly Housing Facility were stable and diverse, and had been for decades. She said the area had active and involved neighborhood associations, through which the residents resolved most of their concerns themselves. She said there were residents of all races, ages, income levels, and family sizes who maintained their properties and respected their neighbors. She said she did not want to do anything to disrupt this area. She added the land was zoned R3 (Single

Family) and the purpose statement of R3 (Single Family) zoning was designed to preserve presently developed single-family neighborhoods in the City. She expressed concern regarding the projected density levels, which would affect neighboring residents and traffic flow. She said this was a Special Use process and not all uses worked well at all locations and the proposed project would not work on the proposed site due to density and traffic issues. She added this also presented a serious concern for public safety as the Medical Rescue Truck from Fire House #11, located on Florence Avenue, needed to respond to emergency calls and traffic was a concern.

Council Member Van Auken moved to concur with the Staff recommendation to DENY the Ordinance, with a Revised Site Plan, amending Ordinance No. 13,920, an Existing Special Use as amended, in a Class R3 (Single Family Residential) District for an Elderly Housing Facility for property located at 3616 N. Sheridan Road, with conditions; seconded by Council Member Spain.

Motion to DENY the Ordinance was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: None.

Mayor Ardis thanked Council Member Van Auken for her work with the neighborhoods and he thanked Attorney Brian Mooty and representatives from 3 Diamond Development for their work with the Council and providing information and answers to their many questions.

(11-133) Communication from the Interim City Manager Requesting Adoption of the Following Regarding EAST VILLAGE GROWTH CELL TAX INCREMENT FINANCING:

A. ORDINANCE Approving the EAST VILLAGE GROWTH CELL TAX INCREMENT REDEVELOPMENT PLAN AND PROJECT;

Interim City Manager Henry Holling distributed a communication with a revised Page 11 of Exhibit D changing the number for combined sanitary and storm from \$13,300,000.00 to \$8,300,000.00 to all members of the City Council.

Council Member Riggerbach moved to adopt the Ordinance approving the East Village Growth Cell Tax Increment Redevelopment Plan and Project, with a revised Page 11 of Exhibit D, changing the number for combined sanitary and storm from \$13,300,000.00 to \$8,300,000.00; seconded by Council Member Turner.

Council Member Riggerbach moved to grant Privilege of the Floor to those who wished to address this issue.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those who wished to address this issue.

Richard Mitchell, a Peoria resident who has lived on New York Avenue since 1992 and a member of United Neighborhood Association, spoke in support of adopting a TIF for the East Bluff area. He said he understood there would not be much benefit in the first couple of years, but eventually a TIF would assist homeowners in remodeling and bringing their homes up to code to increase the value of their properties. He said the plan would reduce the number of landlord-owned properties and would attract new families and new businesses to the area. He stated this would also be an advantage for School District #150 and those wanting to learn a vocation.

Frederick Smith, a Peoria resident on Archer Avenue, expressed concern that he was unable to review a plan for the project. He urged the Council to eliminate crime in the East Bluff area because he did not feel new families or new businesses would be attracted to the area with the present crime situation in existence.

Dave Kinney, an employee of a business on Wisconsin Avenue, spoke in support of providing training for people in the area so they would be able to develop a career. He spoke in support of developing a TIF in the area, which would benefit School District #150 and the residents in the East Bluff. He urged the Council to vote in favor of the motion to approve.

Sue Wozniak, CEO of OSF St. Francis, explained the significant investment their organization had made in the downtown area and the commitment to remain a significant presence in the area. She said OSF anticipated the need for additional student housing or additional medical offices in the future and they started discussing the development of a TIF with the City of Peoria. She said one of their concerns had been the public safety issue in the surrounding neighborhoods. She said she felt the development of a TIF would jump-start development in the area and would provide incentives for OSF to also develop in the Downtown area.

Sara Partridge, a Peoria resident, expressed concern regarding a change in the bylaws of the East Bluff Neighborhood Housing Service that reduced citizens' input into decisions made regarding the East Bluff. She spoke in opposition of the development of a TIF. She expressed concern regarding the number of families who had left the East Bluff because of safety concerns. She urged the Council to listen to citizens' concerns.

Council Member Riggerbach discussed the process that had been followed since July 2010, and he said the success and buy-in of the residents in the Glen Oak School Impact Zone was the same process that he hoped to emulate with the East Village Growth Cell. He explained how the affected residents had been informed of developments throughout the process through meetings and providing information. He said he understood, through this process, how passionate residents of the East Bluff were about their neighborhoods and about planned improvements to bring the East Bluff back to its original historic beauty. He said a plan was developed to address the concerns and the goals of the residents by the residents voting on each item of criteria in the plan. He expressed his appreciation to the leaders of School District #150 and their commitment to the East Bluff. He added this was the first growth cell located in the urban core of the City and the first TIF with a residential component. He stated there would not be much increment gained at the beginning of the process, but rather this was a work in progress. He said this endeavor demonstrated the City's commitment to the East Bluff for the present and in the future.

Council Member Sandberg expressed concern that the proposed TIF was four times larger than the Southtown TIF had been and that the Heart of Peoria Plan was not mentioned in the proposed plan. He expressed further concern that he was not clear as to what would be accomplished with adopting the proposed plan.

ORDINANCE NO. 16,675 approving the East Village Growth Cell Tax Increment Redevelopment Plan and Project, with a revised Page 11 of Exhibit D, changing the number for combined sanitary and storm from \$13,300,000.00 to \$8,300,000.00 was adopted by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggerbach, Spain, Spears, Turner, Van Auker, Mayor Ardis - 9;

Nays: Sandberg - 1.

B. ORDINANCE Designating the EAST VILLAGE GROWTH CELL REDEVELOPMENT PROJECT AREA; and

Council Member Riggenbach moved to adopt the Ordinance designating the East Village Growth Cell Redevelopment Project Area; seconded by Council Member Gulley.

Council Member Riggenbach referred to OSF St. Francis CEO Sue Wozniak's comments regarding the project area, and he stated the initial project area was expanded as a result of discussions held with neighborhood residents and more and more interest was shown in the concept of a residential TIF. He clarified that boundaries were expanded due to the residents' input.

Council Member Sandberg discussed the recent investments that had been made in the proposed project area and he pointed out there had already been redevelopment without subsidy. He said there were very few business vacancies and he did not feel the area was as blighted as portrayed in the documents. He spoke in opposition to adopting a TIF for the area.

Mayor Ardis spoke in support of the motion and he pointed out there had not been significant investment on the residential areas of the proposed area, which had affected the stability of neighborhoods. He said he was anxious to see more independent businesses open in these neighborhoods.

Council Member Riggenbach clarified the EAV percentages and he explained the Assessor's Office had indicated there would be zero growth this year.

ORDINANCE NO. 16,676 designating the East Village Growth Cell Redevelopment Project Area was adopted by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggenbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9;

Nays: Sandberg - 1.

C. ORDINANCE Adopting TAX INCREMENT FINANCING for the City of Peoria, Peoria County, in Connection with the DESIGNATION of the EAST VILLAGE GROWTH CELL REDEVELOPMENT PROJECT AREA.

Council Member Riggenbach moved to adopt the Ordinance adopting Tax Increment Financing for the City of Peoria, Peoria County, in connection with the designation of the East Village Growth Cell Redevelopment Project Area; seconded by Council Member Gulley.

ORDINANCE NO. 16,677 was adopted by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggenbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9;

Nays: Sandberg - 1.

(11-134) Communication from the Interim City Manager and Corporation Counsel with Request to approve a RESOLUTION Pertaining to INTENTION to FINANCE JOB TRAINING in the EAST VILLAGE GROWTH CELL TIF DISTRICT.

Council Member Riggenbach moved to approve the Resolution pertaining to Intention to Finance Job Training in the East Village Growth Cell TIF District; seconded by Council Member Gulley.

Council Member Riggensbach said he felt this was the most significant piece of the project. He said the proposed Resolution would demonstrate Peoria's commitment to assist School District #150 with programs.

Mayor Ardis expressed his appreciation to School District #150 Superintendent Lathan and her Staff for their assistance in this matter. He said extensive discussion was held regarding assisting children with educational opportunities outside traditional educational avenues. He said Council Member Riggensbach was involved, as well as Council Member Spain, in this endeavor. He said he felt this program would be beneficial to students, their futures, and to local businesses as employers in the future.

RESOLUTION NO. 11-134 pertaining to Intention to Finance Job Training in the East Village Growth Cell TIF District was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: None.

(11-135) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the East Village Growth Cell Tax Increment Financing Economic Development Advisory Committee and the East Village Growth Cell TIF Redevelopment Plan and Project to Create the EAST VILLAGE GROWTH CELL RESIDENTIAL REHABILITATION PROGRAM.

Council Member Riggensbach moved to concur with the recommendations to approve the creation of the East Village Growth Cell Residential Rehabilitation Program; seconded by Council Member Gulley.

Council Member Riggensbach explained the proposed program was a result of input from the East Bluff citizens and their wishes for the rehabilitation program. He urged the Council to approve.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: None.

(11-136) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Planning Commission and Staff to Adopt an ORDINANCE Amending Ordinance No. 15,627 for Amendments to the MULTI-FAMILY PLAN for Property Generally Located at the NORTHEAST CORNER of KNOXVILLE AVENUE and DEERBROOK DRIVE, Along the Western Side of Oakwood Drive and also Known as Oakbrook Park Villas.

Council Member Irving moved to adopt the Ordinance amending Ordinance No. 15,627 for amendments to the Multi-Family Plan for property generally located at the Northeast Corner of Knoxville Avenue and Deerbrook Drive, along the Western side of Oakwood Drive and also known as Oakbrook Park Villas; seconded by Council Member Spain.

Council Member Irving explained the Petitioner, Bob Brady for Oakbrook Park Villas, LLC, took time to work with the neighborhoods regarding the proposed project and they worked closely with the City Staff. He thanked them for these efforts. He referred to the entrance into the subdivision and he pointed out there were some drainage and access issues when the area flooded. He said this disrepair needed to be addressed to eliminate a safety hazard. He requested that City Staff review the situation and find a solution.

ORDINANCE NO. 16, 678 amending Ordinance No. 15,627 for amendments to the Multi-Family Plan for property generally located at the Northeast Corner of Knoxville Avenue and Deerbrook Drive, along the Western side of Oakwood Drive and also known as Oakbrook Park Villas was adopted by roll call vote.

Yeas: Gulley, Irving, Montelongo, Rigggenbach, Sandberg, Spain, Spears, Turner, Van Auker, Mayor Ardis - 10;

Nays: None.

UNFINISHED BUSINESS

(INCLUDING BUT NOT LIMITED TO MOTIONS TO RECONSIDER ITEMS, IF ANY, FROM THE PREVIOUS REGULAR MEETING)

(11-044) TAG DAY REQUEST on Behalf of the SOUTH-WEST KIWANIS CLUB OF PEORIA to Hold Their ANNUAL PEANUT DAYS FUNDRAISER with REVISED DATES of SEPTEMBER 22, 23, and 24, 2011. (Dates are Open.)

Council Member Spain moved to approve the Tag Day Request on behalf of the South-West Kiwanis Club of Peoria to hold their Annual Peanut Days Fundraiser with revised dates of September 22, 23, and 24, 2011; seconded by Council Member Van Auker.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Rigggenbach, Sandberg, Spain, Spears, Turner, Van Auker, Mayor Ardis - 10;

Nays: None.

(11-099) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of ERA VALDIVIA CONSTRUCTION COMPANY and Award the CONTRACT, in the Amount of \$86,150.80, with Authorization of Up to \$93,665.88 (Additional 10% for Contingencies) for the GLEN OAK IMPACT ZONE, PHASE IV SIDEWALK IMPROVEMENTS.

Council Member Rigggenbach moved to approve the low bid of Era Valdivia Construction Company and award the contract, in the amount of \$86,150.80, and to authorize up to \$93,665.88 (additional 10% for contingencies) for the Glen Oak Impact Zone, Phase IV Sidewalk Improvements; seconded by Council Member Van Auker.

Council Member Rigggenbach requested that City Staff review ways to strengthen the responsible bidder language and that Council discussion be held regarding this issue sometime in the near future.

In discussion with Council Member Gulley, Director of Public Works Dave Barber said there was no policy for local preference so a recommendation could not be made for local preference. He confirmed there would be a certified payroll.

Council Member Gulley said he would vote against the motion because he felt there was a language problem. He said it was his understanding this would be the third project that was on the watch list.

Council Member Spain requested a report back that would provide examples of bid language in ordinances from other cities. He said local jobs were important and he felt it would be useful to review other cities' language.

Council Member Sandberg said he agreed with Council Member Spain's comment, but he stated he would like to know what problems the City had encountered with this firm. He said, if there had been issues in the past with the proposed bidder, another bidder should be given a chance.

Director Barber said he was unaware of any performance or quality of work problems with this firm in the past.

Council Member Gulley said he was not aware of any problems with this particular firm. He said, in past bids, there were some out-of-town firms who brought significantly lower bids, and he questioned how an out-of-town firm could project such low costs over local firms and still pay prevailing wage.

Motion to approve the low bid of Era Valdivia Construction Company and award the contract, in the amount of \$86,150.80, and authorize of up to \$93,665.88 (additional 10% for contingencies) for the Glen Oak Impact Zone, Phase IV Sidewalk Improvements was approved by roll call vote.

Yeas: Irving, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9;

Nays: Gulley - 1.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – TOWN OF THE CITY OF PEORIA

(11-137) Communication from the Township Supervisor Requesting Approval of a RESOLUTION Authorizing the TOWN OF THE CITY OF PEORIA to Enter into an AGREEMENT with OSF for a DENTAL SERVICE PROGRAM for Those Needing Assistance.

Trustee Irving moved to approve the Resolution authorizing the Town of the City of Peoria to enter into an agreement with OSF for a Dental Service Program for those needing assistance; seconded by Trustee Van Auken.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Chairman Ardis - 10;

Nays: None.

(11-138) Communication from the Town Clerk Requesting Approval of AGENDAS for the ANNUAL TOWN MEETING.

Trustee Irving moved to approve the Agendas for the Annual Town Meeting; seconded by Trustee Spain.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Chairman Ardis - 10;

Nays: None.

NEW BUSINESS

There was no New Business to come before the Council.

CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL/TOWN BOARD**(11-139) REQUEST from CITIZENS to Address the CITY COUNCIL/TOWN BOARD Regarding Various Items.**

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those citizens wishing to address the City Council/Town Board.

Savino Sierra, a Peoria resident, expressed concern regarding the possible closing of Garfield School. He said sidewalks in the Southside were in disrepair, which caused problems when sidewalks flooded and students had difficulty walking to school. He also expressed concern regarding discipline matters in School District #150 and that no improvements were being planned for residential areas in the Southside.

Council Member Gulley said he was working on solutions.

Kenny Carrigan, a Peoria resident and Grand Marshal of the St. Patrick's Day Parade, thanked the City Council, the Peoria Police Department, the Public Works Department, and the City Manager for their support. He expressed his appreciation to business-owners on Main Street for their cooperation during the parade. He said these kinds of successes would provide more revenue for businesses in downtown Peoria and for the City of Peoria.

EXECUTIVE SESSION**(11-140) Consideration of a Motion to enter into EXECUTIVE SESSION to Discuss 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.**

Council Member Spain moved to enter into Executive Session to discuss 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06; seconded by Council Member Irving.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;

Nays: None.

ADJOURNMENT

Council Member Irving moved to adjourn the Joint City Council and Town Board Meeting; seconded by Council Member Montelongo.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;

Nays: None.

The meeting adjourned at 8:16 P.M.